

Appln No. 10/066,302

Amdt date July 19, 2005

Reply to Office action of April 19, 2005

**REMARKS/ARGUMENTS**

This amendment is submitted in response to the Office action mailed April 19, 2005. Claims 1 and 41 have been amended. Claim 40 has been cancelled without prejudice. Claim 42 has been added to more completely cover certain aspects of the invention. Claims 5-7, 9, 10, 15 and 16 presently stand withdrawn from consideration. Accordingly, claims 1-3, 5-32, 38-39, and 41-42 are presently in the application.

On page 2 of the Office action, claims 1-3, 8, 12-14, 18, 19 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of Paskar. On page 4 of the Office action, claims 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of Paskar and further in view of Solem.

Applicant acknowledges with appreciation that claims 20-32, 38 and 39 are allowed and that claim 41 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 recites a tube having a plurality of transverse slots and a forming element having a distal end portion fixed to the tube. The combination of Wilson and Paskar does not teach or suggest this.

As recognized by the Examiner, Wilson does not teach a tube having a plurality of transverse slots. The Examiner suggests, however, that the intermediate segment 18 of Wilson (see Fig. 2) may be modified by the teachings of Paskar by making the intermediate segment (18) of the elongate body (12) of Wilson in

**Appln No. 10/066,302**

**Amdt date July 19, 2005**

**Reply to Office action of April 19, 2005**

the form of a tube and including a plurality of transverse slots along the inner radius thereof.

Without conceding that such a modification would be obvious, Applicant submits that such modified device would not teach the device of claim 1. In particular, claim 1 recites that the distal end portion of the forming element is "fixed to the tube." In the modified Wilson device, however, the distal end portion of the forming element 48 is fixed to the distal segment 14 of the Wilson device, not to the intermediate segment 18. Accordingly, the combination of Wilson and Paskar does not teach this feature. Applicant notes that Fig. 2 of Wilson shows a nub 94 on the intermediate segment 18 through which the forming element passes, but this is a threaded connection, not a fixed connection as required by claim 1. In view of the above, it is respectfully submitted that claim 1 is patentable over the combination of Wilson and Paskar.

Claims 1-3 and 5-19 depend from claim 1. Since these claims depend from claim 1 and because they contain additional limitations further distinguishing these claims from the prior art when considered as a whole, these claims are also believed to be patentable.

Claim 41 has been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claim 41 is believed to be allowable.

Claim 42 has been added to recite "the forming element is fixed to the tube at the side of the tube along which the plurality of transverse slots are located." In contrast, Wilson depicts the forming element 48 as located on the side of the

Appln No. 10/066,302

Amdt date July 19, 2005

Reply to Office action of April 19, 2005

tube opposite to where the plurality of transverse slots would be located if the Paskar modification were made. Accordingly, claim 42 is also believed to be patentable over the cited art.

On page 1 of the Office action summary, the Examiner acknowledges receipt of the Information Disclosure Statement of April 7, 2005. This Information Disclosure Statement had two parts, the first part citing U.S. Patents and Publications was filed electronically, the second part containing foreign patent documents and other publications was filed on the same day by first class mail. Accompanying the Examiner's Office action is an initialed copy of the submitted **Electronic** Information Disclosure Statement. An initialed copy of the **mailed** Information Disclosure Statement, however, has not been received. A copy of the mailed Information Disclosure Statement is enclosed. Applicant respectfully requests that the Examiner confirm that the references cited on the mailed Information Disclosure Statement form have been considered, and return an initialed copy of the form to Applicant's attorney.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 

Mark Garscia

Reg. No. 31,953

626/795-9900

MEG/cks

Enclosure: IDS mailed April 7, 2005

CKS PAS633851.1--07/19/05 5:27 PM